

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

EXECUTIVE ORDER 89-15

POLICY AND REGULATIONS FOR METROPOLITAN GOVERNMENT VEHICLES AND PRIVATELY OWNED VEHICLES USED ON METROPOLITAN GOVERNMENT OFFICIAL BUSINESS.

All passenger automobiles, station wagons, vans, and light duty trucks (trucks or vans of less than one-ton classification) owned by or leased to The Metropolitan Government of Nashville and Davidson County, except those vehicles operated by the Metropolitan Public Schools Systems, shall be subject to administrative regulation by the Department of General Services, as provided herein:

1. The Director of General Services shall promulgate a Policy clearly stating the Metropolitan Government's goals and objectives in the operation of its automotive fleet, which upon my approval, shall be adopted as the Automotive Fleet Policy of the Metropolitan Government.

2. Further, the Director of General Services shall promulgate Regulations establishing procedures and rules to be observed by all officials and employees using such vehicles. Such Regulations shall be effective upon my approval and issuance, and shall be recorded with the Metropolitan Clerk.

3. The Policy and Regulations shall include, but not be limited to, appropriate detail establishing rules and procedures for:

- * Justification of vehicle needs;
- * Specifications of vehicles and procurement;
- * Rates and Charges;
- * Types or classes of assignment;
- * Prevention of misuse or abuse;
- * Disciplinary actions;
- * Preventive maintenance;
- * Use of privately owned vehicles on government business;
- * Use of government vehicle outside the geographic jurisdiction;
- * Reporting requirements.

4. All departments and agencies using such vehicles shall conform fully to such Regulations, and the primary responsibility for observance and enforcement of the Regulations shall be vested in the administrative head of each department or agency.

5. The Policy and Regulations shall recognize the delegation of certain authority and responsibilities to other departments and officials, as follows:

- * The Department of Finance, through the Director of Finance, shall establish appropriate rules and procedures and the rates applicable thereto for reimbursement of mileage expenses to employees authorized under the Regulations to receive same.

* The Department of Law, through the Claims Division, is assigned the responsibility of establishing rules and procedures for reporting of accidents involving Metropolitan Government vehicles or privately owned vehicles driven by Metropolitan Government employees on government business.

* The Department of Law, through the Insurance and Safety Division, is assigned responsibility for establishing rules and procedures to protect the government through liability insurance coverage with appropriate limits.

* It is recognized that some elected officials of the Metropolitan Government are charged by law with specific administrative responsibilities, and are entitled to exercise authority in certain aspects of vehicle assignment. Those elected officials who obtain vehicles from the General Services Motor Pool shall be subject to the Policy and the Regulations, except as to the determination as to whom a vehicle is assigned and the type of assignment. An elected official who procures official Metropolitan Government vehicles from sources other than the General Services Motor Pool either shall adopt the Regulations promulgated under the Policy, submitting such vehicles to regulation by the Department of General Services, or shall set out other regulations for such vehicles in writing and shall file the same with the Metropolitan Clerk.

The Director of General Services shall review annually the Regulations herein described and shall propose to the Mayor any such amendment as may be appropriate or required. Amendments shall be processed as required for the initial issue of Regulations.

Any prior Executive Order in conflict with this Order hereby is repealed wherein such conflict exists.

RECOMMENDED BY:



Director of General Services

APPROVED AND ISSUED:



William H. Boner, Mayor

APPROVED AS TO FORM AND LEGALITY:


Metropolitan Attorney

APPROVED: 11/20/89

EFFECTIVE: 11/20/89

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

AUTOMOTIVE FLEET POLICY

GOALS AND OBJECTIVES

The efficient and effective delivery of many services by the Metropolitan Government is dependent upon the availability of appropriate automotive transportation for government employees. Thus, the government must recognize as objectives:

- * Provision of a fleet of safe and dependable automotive vehicles to meet the requirements of its departments and agencies.
- * Establishment of control mechanisms sufficient to ensure its automotive fleet is utilized consistent with sound business management practices and the public interest.

STATEMENT OF INTENT

It is the intent of the Metropolitan Government to provide for automotive fleet vehicles to be assigned on the basis of need and only after such needs are justified. When requests for assignment of vehicles exceed the availability of vehicles, requests will be prioritized to assure that the greater needs are served.

SCOPE OF RESPONSIBILITIES

The Department of General Services, through the Motor Pool Division, will act as a central service agency with respect to the acquisition, use, maintenance and replacement of vehicles of a size up to and including medium duty trucks and vans, except for those vehicles under jurisdiction of the Board of Public Education.

As such, the Director of General Services will promulgate regulations to ensure that procurement of vehicles is justified and that they are properly assigned and utilized.

The Department of General Services will work cooperatively with the Department of Law and Department of Metropolitan Finance in the discharge of responsibilities assigned by law, ordinance or executive order to those departments, and the division of responsibilities for such purposes shall be described clearly in Regulations published and distributed by the Department of General Services.

It is recognized that some elected officials of the Metropolitan Government are charged by law with specific administrative responsibilities, and are entitled to exercise authority in certain aspects of vehicle assignment. Those elected officials who obtain vehicles from the General Services Motor Pool shall be subject to this Policy and the Regulations, except as to the determination as to whom a vehicle is assigned and the type of assignment.

AUTOMOTIVE FLEET POLICY

SCOPE OF RESPONSIBILITIES (CONTINUED)

An elected official who procures official Metropolitan Government vehicles from sources other than the General Services Motor Pool either shall adopt the Regulations promulgated under this policy, submitting such vehicles to regulation by the Department of General Services, or shall set out other regulations for such vehicles in writing and shall file the same with the Metropolitan Clerk.

It is recognized that primary responsibility for enforcement of rules and regulations under which the Metropolitan Government operates is vested in chief administrative officers of the various departments, agencies and offices. The Regulations will be designed to provide uniformity in the administration of this Policy.

REVIEW

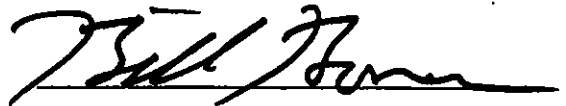
The Director of General Services shall review the Regulations annually and propose such amendment as may be required to the Mayor for his approval.

PROMULGATED BY:



Director of General Services

APPROVED FOR ISSUANCE BY:



William H. Boner, Mayor

APPROVED AS TO FORM AND LEGALITY:



Metropolitan Attorney

APPROVED: 11/20/89

EFFECTIVE: 11/20/89

AUTOMOTIVE FLEET REGULATIONS

Pursuant to Executive Order of the Mayor and the Automotive Fleet Policy of the Metropolitan Government, vesting the principal authority for administrative regulation of the Automotive Fleet (except heavy equipment) in the Department of General Services, these rules and procedures shall apply to all departments and agencies and their employees. These regulations shall not apply to the Mayor and other elected officials who have promulgated their own Automotive Regulations and filed the same with the Metropolitan Clerk.

1.0 Ascertainment of Needs, Requests and Justifications

- 1.1 The Director of General Services periodically shall review the performance and condition of the units of the automotive fleet and determine whether each vehicle should be continued in operation or replaced because of age, damage, poor performance or a change in need.
- 1.2 The Director also periodically shall survey the department heads regarding vehicle needs of the various departments and solicit information related to performance of the units currently assigned and the department's future needs.
- 1.3 A department head further may initiate a request for fleet services at any other appropriate time by written request to the Director. Requests for vehicle service shall describe the type of vehicle needed, the proposed assignment, the name(s) of persons to whom the vehicle would be assigned (if such is known) and their driver's license numbers, the account from which payment for services will be made, and any requirement for special equipment on the vehicle.
- 1.4 All such requests must include a statement justifying the need for services.

2.0 Specifications and Procurements

- 2.1 To ensure maintenance of fleet standards, detailed specifications for vehicles in the automotive fleet shall be developed jointly by the Department of General Services and Purchasing Division of the Finance Department. Departments and agencies wishing to recommend specification provisions shall address the same to the Director of General Services at such time as a request for assignment is made.
- 2.2 Specifications for specialized equipment to be attached to or installed in vehicles of the Automotive Fleet (i.e., tool chests, emergency lights, sirens, towing equipment, tachographs, two-way radios, cellular telephones and other communications devices, antennae, and similar such equipment) shall be developed in the same method as described in 2.1.

2.0 Specifications and Procurements (continued)

- 2.3 The Purchasing Division, in cooperation with the Department of General Services, shall review various methods of procurement, including direct purchase, lease-purchase and lease, and select the method most suitable for the specific request.
- 2.4 The General Services Motor Pool Division shall assist the Purchasing Division, as needed, in the inspection of vehicles delivered to the government to assess compliance with the specifications.
- 3.0 Vehicle Assignment and Driver Permits**
- 3.1 Vehicles shall be assigned to departments based on priority of need as determined by the Director of General Services.
- 3.2 Department heads shall assign the responsibility for each vehicle to an individual employee, even if such vehicle is used in a work group with multiple drivers. Such employee shall be responsible for inspecting the vehicle and maintaining records, as provided herein, and for observing preventive maintenance and service schedules for the vehicle.
- 3.3 From and after the effective date of these Regulations, prior to the assignment of a vehicle to an employee, the employee must obtain from the Director of the Division of Insurance and Safety, Department of Law, a permit to drive a Metropolitan Government vehicle.
- 3.4 Within 30 days from the effective date of these Regulations, each department head shall submit to the Director of Insurance and Safety, with a copy to the Department of General Services: (a) a listing of existing employees which the department head will authorize to drive a Metropolitan Government vehicle, showing the name, home address, work address and telephone number, and state driver's license number of each such employee; and (b) a statement of driving history to be completed and signed by each employee so listed. Permits will be issued to those employees, based on the department head's recommendation. After the initial permit issuance period is completed, prior to assigning a vehicle to any employee, the department head shall request the Director of Insurance and Safety to issue a permit, as provided in 3.3.
- 3.5 The following types of assignment may be made by department heads, subject to the approval of the Director of General Services:
- Type A - Individual Take Home Assignment** Vehicles may be assigned on a 24-hour basis to an employee whose job responsibilities include a requirement of frequent business trips during normal off-duty hours or who must have the vehicle available to answer emergency calls while off-duty. It is prohibited for any vehicle to be assigned to this type for the primary purpose of home-to-job transportation.

3.5 Vehicle Assignment and Driver's Permits (continued)

Type B - Rotating Take Home Assignment Vehicles may be assigned on a 24-hour basis to a work group or crew whose job responsibilities include a requirement of one or more members to make frequent business trips during normal off-duty hours or who must have the vehicle available for emergency calls while off-duty. It is prohibited for any vehicle to be assigned to this type for the primary purpose of home-to-job transportation. All employees subject to drive the vehicle must have valid permits and one shall be assigned responsibility for the vehicle.

Type C - Individual Workday Assignment Vehicles may be assigned on a work-day basis to an employee whose job responsibilities include frequent business trips during normal duty hours. The employee to whom the vehicle is assigned will be responsible for its storage in a safe condition on designated government property during the employee's off-duty hours.

Type D - Group Workday Assignment Vehicles may be assigned on a work-day basis to a work group or crew whose job responsibilities include frequent business trips during normal duty hours. All employees subject to drive the vehicle must have valid permits and one shall be assigned responsibility for the vehicle.

Type E - Temporary Dispatch The Motor Pool will make available for individual trip assignments, vehicles which may be rented for temporary use. Such vehicles will be dispatched only upon receipt by the dispatch officer of an authorized transportation request, approved by the employee's department.

4.0 Misuse or Abuse and Disciplinary Actions

4.1 The department head shall provide each employee approved for vehicle assignment a copy of these Regulations and shall maintain in employee's file a signed receipt for such copy. The department head, or his designee, shall emphasize to the employee that the employee is accepting responsibility for the protection and care of the vehicle within the employee's reasonable ability to provide same, and that misuse or abuse of such vehicle will result in disciplinary action.

4.2 For purposes of these Regulations, **misuse** shall be considered to be the use of a fleet vehicle for an unauthorized purpose. It should be noted that **de minimus** personal use (the casual or incidental use of the vehicle, such as stopping for personal errands or meals while driving the vehicle for an authorized purpose) shall not be considered "misuse."

4.3 "**Abuse**" shall be considered to be the failure of an employee to whom a vehicle is assigned either to observe reasonable caution and care in its operation or storage, to adhere to the maintenance schedule for said vehicle, to protect it from use by an unauthorized person, or to maintain records or reports otherwise required herein.

4.0 Misuse or Abuse and Disciplinary Actions (continued)

- 4.4 It shall be the duty of each department head to enforce these Regulations and to take appropriate disciplinary action against an employee violating the Regulations.
- 4.5 Upon the discovery of any incident of *misuse* or *abuse* the department head shall file a report of the incident with the Director of General Services, along with a report of what, if any, disciplinary action has been taken as a result thereof.
- 4.6 The Director of General Services shall inform the appropriate department head of any reports or evidence of *misuse* or *abuse* of a vehicle which comes to the attention of the Department of General Services, and the department head shall respond as to what, if any, disciplinary action, has been taken as a result thereof.
- 4.7 An employee charged in a departmental disciplinary action with *misuse* or *abuse* of a vehicle shall be suspended from the privilege of driving a fleet vehicle until such charges are resolved. This shall not preclude the Director of General Services or the Director of Insurance and Safety from suspending indefinitely from fleet driving privileges any employee found guilty of *misuse* or *abuse*.
- 4.8 It shall be the duty of each department head to suspend or revoke the assignment of a fleet vehicle to any employee whom the department head has reasonable cause to believe would endanger himself or others by virtue of such assignment or who fails to maintain a valid state driver's license. It is the duty of an employee to report immediately to the department head the suspension or revocation of the employee's driver's license, and failure to report such shall be cause for disciplinary action.
- 4.9 Employees expressly are prohibited from driving a fleet vehicle while drinking an intoxicating beverage, or while under the influence of any drug, including alcohol, which impairs employee's ability to safely operate said vehicle. Further, transport of alcoholic beverages or illegal drugs of any kind in the driver/passenger area of a fleet vehicle is prohibited, except as the same may be required for law enforcement.
- #### **5.0 Preventive Maintenance, Routine Service and Records**
- 5.1 The Motor Pool Division shall provide the department head a preventive maintenance schedule for each vehicle to give the employee to whom it is assigned.
- 5.2 It shall be the responsibility of the employee to inspect the vehicle on at least a monthly basis to determine its condition and to report same on the forms provided.
- 5.3 Further, it shall be the responsibility of said employee to monitor the appropriate gauges on the vehicle to detect maintenance needs and to check and adjust, as necessary, the air pressure of the tires and fluid levels (oil, transmission and engine cooling system) as may be recommended by the manufacturer.

6.0 Parking/Traffic Violations.

- 6.1 Employees to whom vehicles are assigned are responsible for operating and parking such vehicles in a safe and lawful manner, and will be responsible for the costs of traffic or parking tickets issued to the vehicle while it is assigned to their care, except as specifically provided herein.
- 6.2 Employees shall report to the department head any traffic or parking citation issued while employee is operating the fleet vehicle and failure to do so within five working days of the issuance of such citation may result in suspension of approval to drive such vehicle.
- 6.3 Each department head shall devise a procedure whereby employees shall report the receipt of a parking violation ticket and explain the circumstances of issuance. The department head, or his designee, shall determine whether the department or the employee should be responsible for payment and take appropriate measures to ensure its payment.
- 6.4 If parking violation tickets issued to a government vehicle are not paid prior to the court date, the Traffic Violations Bureau, through cooperation of the Circuit Court Clerk, will provide a listing of all such tickets, along with pertinent information on the offense and fine, to the Department of General Services for collection purposes.
- 6.5 For departments currently billed for services by the Motor Pool Division, the Motor Pool Division shall identify the department and the employee to whom the vehicle is assigned, shall pay the fine and bill the cost, including any administrative handling charges, to the department. The Motor Pool will provide the department a listing of such charges, identifying the vehicle and employee to whom it is assigned. The department head shall determine if the charges should have been paid by the department or the employee and take appropriate steps.
- 6.6 For all other departments and agencies, the report of the Traffic Violations Bureau will be forwarded to the appropriate department for handling in a similar manner.

7.0 Use of Fleet Vehicles Outside the Geographic Jurisdiction

- 7.1 No fleet vehicle shall be operated outside the geographic jurisdiction of the Metropolitan Government except upon the prior approval of the Director of General Services, except as may be provided for emergency and law enforcement vehicles when such operation is provided by law or departmental rule. Whenever possible, approval for operation outside the geographic jurisdiction shall be requested in writing, by the department head, indicating the circumstances and reasons for such request. If the vehicle is to be operated outside the geographic jurisdiction of the State of Tennessee, a copy or notice of said request shall be forwarded to the Director of the Insurance and Safety Division, Department of Law.

7.0 Use of Fleet Vehicles Outside the Geographic Jurisdiction (continued)

7.2 If trips outside the jurisdiction are required on a routine basis, the Director of General Services may delegate to the department head the authority to approve all trips meeting established criteria. In such cases, the department head shall maintain a monthly log of all such trips (indicating the vehicle, employee, time, date, destinations and purpose) and shall submit a copy of such log to the Director of General Services by the 10th day of the succeeding month.

8.0 Use of Private Vehicles on Government Business

8.1 As an alternative to fleet assignment, employees may be permitted to use a personal vehicle in the course of their employment and be compensated for such use upon the approval of the department head and the Director of General Services.

8.2 Upon the effective date of these regulations, or thereafter prior to such usage, the department head shall apply to the Director of General Services to place the employee on a list maintained by the Division of Accounts of employees who are qualified for reimbursement of automotive expenses. Such request shall include the employee's full name, employee identification number, driver's license number, work address and telephone number, and the justification for such vehicle usage. Further, it shall include an estimate of the miles per month of such usage.

8.3 The rate to be paid for mileage reimbursement, the procedures for reporting of same and the process for approval of out-of-town travel expenses shall be determined by the Director of Finance and published with the Uniform Travel Regulations.

9.0 Reporting Requirements.

9.1 It shall be the department head's responsibility to notify the Director of General Services of all changes in vehicle assignment and to obtain approval therefor in advance of such changes.

9.2 It shall be the responsibility of the employee to whom the vehicle is assigned to deliver the vehicle to the Motor Pool for required maintenance and to notify the Motor Pool of any maintenance needs. Further, it shall be the employee's responsibility to notify the Motor Pool of any damage to the vehicle, by whatever cause, and, in the case of accident, to notify the Division of Insurance and Safety according to its requirements for accident reports.

9.3 Further, it shall be the employee's responsibility to record and submit information on inspection and monitoring of the vehicle as directed by the Motor Pool Division.

9.4 Further, it shall be the duty of any employee assigned a vehicle for take-home use, as described in 4.8, to record an accurate log of all off-duty use of the vehicle on forms provided by the Department of General Services and to file such forms monthly with the employee's department head and with the Motor Pool Division.

9.0 Reporting Requirements (continued)

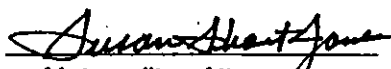
- 9.5 Further, it shall be the duty of any employee assigned a vehicle for take-home use, as described in 4.8, to maintain and file appropriate records of the amount of personal use of the vehicle on which a federal tax liability exists, as determined by the Internal Revenue Service and as directed by the Director of General Services.
- 9.6 Under existing regulations, employees are classified into two categories: elected officials, department heads subject to confirmation of the Council and any department heads who are not limited on personal use by special arrangements as part of a contract of employment are considered to be **control employees** and must maintain detailed records of personal and business use in such form directed by the Department of General Services; other employees are considered **non-control employees** and may be reported for a standard rate commuting benefit in such form directed by the Department of General Services.
- 9.7 It should be noted that the individual benefitting from assignment of a vehicle on a take-home basis is personally responsible for the tax liabilities incurred as described above and should make every effort to see that it is reported in an accurate manner.
- ### 10.0 Establishment of Rates and Charges
- 10.1 Rates and charges billed by the Motor Pool Division to the various departments and agencies shall be intended to recover the costs of its operations and provide for its capital outlay needs, including replacement of fleet units, equipment and facilities.
- 10.2 Such rates and charges shall be established by the Director of General Services, in consultation with the Division of Internal Audit, and shall be subject to the approval of the Director of Finance.
- 10.3 Further, the fee to be charged by the Division of Insurance and Safety, Department of Law, for processing and issuance of employee driver permits shall be established by the Director of Law, in consultation with the Division of Internal Audit, and shall be subject to the approval of the Director of Finance.

PROMULGATED BY:

APPROVED AS TO LEGALITY:

APPROVED AND ISSUED:


Director of General Services


Metropolitan Attorney


William H. Boner, Mayor

DATE: 11/20/89

EFFECTIVE: 11/20/89